

EMERGENCY MOTION TO ENFORCE STAY

DISTRICT COURT, COUNTY OF EL PASO, COLORADO

Court Address: 270 S. Tejon Street, Colorado Springs, CO 80903

Plaintiff: Kayla S. Bivings

v.

Defendant: Atlas Real Estate Group LLC & Austin Edwards

Case No.: 24CV510

Division: D

Judicial Officer: Judge Hilary Gurney

FILED IN THE DISTRICT AND
COUNTY COURTS OF
EL PASO COUNTY, COLORADO

MAR 14 2025

ES

SHERI KING
CLERK OF COURT

COMES NOW, Plaintiff, Kayla S. Bivings, proceeding pro se, and respectfully submits this Emergency Motion to Enforce Stay, requesting this Honorable Court to formally recognize and enforce the pending stay on proceedings due to federal court review.

1. Plaintiff filed a Motion to Stay proceedings due to pending federal litigation in case No. 25-cv-00722-RTG before the United States District Court for the District of Colorado.
2. As confirmed via email correspondence from court clerk Nathaniel, proceedings in this case are stayed pending a ruling by Judge Gurney on the motion.
3. Despite the pending stay, Plaintiff has received attempted service, and opposing counsel has attempted to move forward with scheduling trial dates.
4. The attempt to proceed with the case directly violates the recognized stay and creates procedural confusion, potentially infringing upon Plaintiff's rights.

LEGAL GROUNDS:

Pursuant to Rule 62 of the Colorado Rules of Civil Procedure and relevant case law, when a stay is issued or pending before the court, parties must refrain from taking any further action until a ruling has been issued.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court:

1. Issue an order enforcing the stay in Case No. 24CV510 until a ruling is issued.
2. Prohibit further service attempts, scheduling efforts, or other case advancements.
3. Recognize email confirmation from the court clerk as evidence of the stay.
4. Grant any other relief deemed just and proper.

Respectfully submitted,


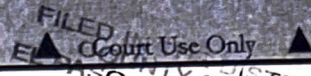
Dated: March 14, 2025

Kayla S. Bivings

Plaintiff, Pro Se

Email: Bivingsk88@gmail.com

A handwritten signature in blue ink, appearing to be 'K. Bivings', with a long horizontal flourish extending to the right.

JDF 72	Exhibit List		
	County: <u>El Paso</u>	Division: <u>D</u>	
	Case Number: <u>248VSL0</u>	Courtroom: _____	

1. My Name

My name is

I am the:



Petitioner/Plaintiff.



Respondent/Defendant.

MAR 14 2025

SHERIFF'S OFFICE
CLERK OF COURT

2. Table Instructions

- Exhibit** - Enter the number or letter you gave the document.
- Title** - Enter the type of document or a short description.
- Objection** - Check if the other side objects to that exhibit. If so, on what ground?
- Agree** - Check if all parties agree you can present the exhibit.

3. My Exhibits

Exhibit	Document Title	Objection?	All Agree?
(1)	Email check	<input type="checkbox"/> Why?	<input type="checkbox"/>
(2)	Email check "no travel" date	<input type="checkbox"/> Why?	<input type="checkbox"/>
(3)	Email check "no travel" Ben, 3 checks	<input type="checkbox"/> Why?	<input type="checkbox"/>
(4)	Email check	<input type="checkbox"/> Why?	<input type="checkbox"/>
(5)	case filed against judges federal court.	<input type="checkbox"/> Why?	<input type="checkbox"/>
		<input type="checkbox"/> Why?	<input type="checkbox"/>

Table Continued on the next page.

My exhibits, continued.

Exhibit	Document Title	Objection?	All Agree?
_____	_____	<input type="checkbox"/> Why? _____	<input type="checkbox"/>
_____	_____	<input type="checkbox"/> Why? _____	<input type="checkbox"/>
_____	_____	<input type="checkbox"/> Why? _____	<input type="checkbox"/>
_____	_____	<input type="checkbox"/> Why? _____	<input type="checkbox"/>
_____	_____	<input type="checkbox"/> Why? _____	<input type="checkbox"/>

Attach more pages as you need.

4. **Copy of Exhibits**

I gave a copy of all the exhibits to the other party.

5. **Certificate of Service**

I certify that on (enter date) 3/14/25 a copy of this document was given to the other parties by:

- ☐ Hand Delivery ☒ E-filing through Colorado Courts E-Filing
☐ Fax to this number: _____, or
☐ Mail through the United States Postal Service, addressed to:

menzhan @ ulegal.com

6. **Sign and Date**

[Signature]
Your Signature

3/14/25
Date

Exhibit (1) Email Chain

FILED IN THE DISTRICT AND
COUNTY COURTS OF
EL PASO COUNTY, COLORADO
MAR 14 2025
SHERI KING
CLERK OF COURT

12:32



M Meaghan Fisch... Mar 10
to D04_Courts_Div14@j... ^

From Meaghan Fischer
meaghan@wlelegal.com

To D04_Courts_Div14@judicial.state.co.us
D04_Courts_Div14@judicial.state.co.us

Cc Brenda Wiseman brenda@wlelegal.com
bivingsk88@gmail.com
bivingsk88@gmail.com

Date Mar 10, 2025 at 8:38 PM

Standard encryption (TLS)
Learn more

Good evening,

I am writing to request trial dates be provided in the above-referenced matter. It is for a two day bench trial and for 8 to 12 months from now. Plaintiff is copied on this email.

Thank you,

Meaghan E. Evans

743 Horizon Court, Ste. 200
Grand Junction, CO 81506
970-242-2645

123 N. Post Oak Lane

(1)

Exhibit (2) Email check "no travel date"

FILED IN THE DISTRICT AND
COUNTY COURTS OF
EL PASO COUNTY, COLORADO

MAR 14 2025

SHERI KING
CLERK OF COURT

5

12:33



D04_Courts_D... Mar 12
to Meaghan, D04_Court... ^



From D04_Courts_Div14
D04_Courts_Div14@judicial.state.co.us

To Meaghan Fischer
meaghan@wlelegal.com

D04_Courts_Div14
D04_Courts_Div14@judicial.state.co.us

Cc Brenda Wiseman brenda@wlelegal.com
bivingsk88@gmail.com
bivingsk88@gmail.com

Date Mar 12, 2025 at 10:43 AM



Standard encryption (TLS)
Learn more

Hello all,

Ms. Bivings has filed a motion & objection.
Proceedings are stayed at this time and we will
have to wait for rulings.

Thanks,

Nathanial

From: Meaghan Fischer
meaghan@wlelegal.com

(2)

Exhibit 3 follow up Email "no trial being schedule"

From KB bivingsk88@gmail.com

To D04_Courts_Div14
D04_Courts_Div14@judicial.state.co.us

Date Mar 14, 2025 at 10:15 AM

FILED IN THE DISTRICT AND
COUNTY COURTS OF
EL PASO COUNTY, COLORADO

MAR 14 2025
SHERI KING
CLERK OF COURT

"I am following up on my recent filing in [24cv510] and would appreciate any information regarding its impact on the case schedule." For trail my name is Kayla Shafontay Bivings, today is march 14th 2025 10:15am

...

On Wed, Mar 12, 2025 at 10:43 AM
D04_Courts_Div14
<D04_Courts_Div14@judicial.state.co.us>
wrote:

Hello all,

Ms. Bivings has filed a motion & objection.
Proceedings are stayed at this time and we
will have to wait for rulings.

Exhibit (4)

FILED IN THE DISTRICT AND
COUNTY COURTS OF
EL PASO COUNTY, COLORADO
MAR 14 2025
SHERI KING
CLERK OF COURT



D04_Courts... 10:36 AM
to me, Meaghan, Brend... ▾



Hello,

Proceedings are stayed until Judge Gurney
rules on the motion and objection.

Thanks,

Nathanial

3/14/25

...



me 11:26 AM
to D04_Courts_Div14 ▾



Thanks.

...



Reply



Forward



(4)

W

Exhibit 5

CM ECF

Query Reports Utilities Help Log Out

1:25-cv-00722-RTG Bivings (PS) v. Paprzycki et al

Richard T. Gurley, presiding

Date filed: 03/05/2025

Date of last filing: 03/13/2025

History

Doc. No.	Dates	Description
1	Filed: 03/05/2025 Entered: 03/06/2025	Complaint
2	Filed: 03/05/2025 Entered: 03/06/2025	Case Assigned to Judge
3	Filed: 03/05/2025 Entered: 03/06/2025 Terminated: 03/06/2025	Motion/Application to Proceed

SHERI KING
CLERK OF COURT

MAR 14 2025

FS

FILED IN THE DISTRICT AND
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EL PASO COUNTY, COLORADO

Court. Additionally, *Kayla S. Bivings v. Magistrate Andrea Paprzycki et al.*, Case No. 1:25-cv-00722-RTG, in the United States District Court District of Colorado.

The undersigned will file a supplemental notice of any change in the information required under this rule.

Respectfully submitted this 14th day of March 2025.

WEGENER LANE & EVANS, P.C.

*/s/ Meaghan E. Fischer, Original signature on file
in the Law Offices of Wegener Lane & Evans, P.C.*

Meaghan E. Fischer, Esq.

Reg. No. 50069

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **NOTICE OF RELATED CASES** was served this 14th day of March 2025, via CCEF procedures to the following:

Kayla S. Bivings
1312 17th Street, #1573
Denver, CO 80202
Plaintiff, pro se

/s/ Brenda Wiseman
Brenda Wiseman, Paralegal

JDF 76	Motion to/for <u>To Address opposing party</u>
1. Court: <input checked="" type="checkbox"/> District <input type="checkbox"/> County Colorado County: <u>El Paso</u> Mailing Address: <u>270 Tejon Street Colorado Springs</u>	FILED IN THE DISTRICT AND COUNTY COURTS OF EL PASO COUNTY, COLORADO <div style="font-size: 1.2em;">MAR 14 2025</div> <div style="font-size: 1.5em; font-weight: bold;">ES</div> SHERI KING CLERK OF COURT <i>This box is for court use only.</i>
2. Parties to the Case: Plaintiff/Petitioner: <u>Kayla S Brings</u> & <u>Austin Edwards</u> Defendant/Respondent: <u>Atlas Real Estate Group LLC</u>	
3. Filed by: Name: <u>Kayla S Brings</u> Mailing Address: <u>1312 17th Street Denver CO</u> City: <u>Denver</u> <u>81573</u> St: <u></u> Zip: <u>80202</u> Phone: <u>303 304-2071</u> Email: <u>Bringsk88@gmail.com</u>	4. Case Details: Number: <u>24CV510</u> Division: <u>D</u> Courtroom: <u></u>

5. Other Parties Response

Skip this section in criminal cases.

I checked to see if the other parties agree with my request. They:

☐ Agree.
 ☐ Disagree.
 ☐ Did Not Respond.
 ☒ Other: _____

6. My Request

I want the Court to:

Stop opposing party attorney attempt to move forward regarding "Stay".

7. Discussion

The Court should grant my request, because:

Attempt to move forward violates Court rules. If opposing party continue, plaintiff will request sanctions for Bad-faith litigation. Stop scheduling of filings further motions.

Case 24CV510 is a civil retaliation lawsuit, while 25 CV-00722 RTG is a federal case addressing judicial misconduct and found civil rights violations. These cases are not linked and retaliation while the other concerns due process violations by Judges.

The attempt to combine them is "Bad-faith effort to undermine

8. **Certificate of Service**

I certify that on (enter date) 3/14/25, I gave a copy of this document to the other parties by: (select at least one)

- ☐ Colorado Courts E-Filing. (Only available for lawyers.)
☒ Email or Fax to: measner@wilesgal.com
☐ Regular Mail, addressed to: (name, full address) ☐ Hand Delivery, to: (name, place)
1) _____
2) _____
3) _____

9. **Sign & Date**

Print Your Name: Kayla Bivins
Be sure to complete: Section 3 – Filed By on page 1.

Signature: [Signature] Date: 3/14/25

El Paso County Colorado
270 S. Tejon Street
Colorado Springs, CO 80903

FILED IN THE DISTRICT AND
COUNTY COURTS OF
EL PASO COUNTY, COLORADO

In the Interest of:

Petitioner / Plaintiff:

Leif S Brumby S

v.

Austin Edwards

Respondent / Defendant:

Atlas Real Estate Group LLC

Attorney or Party Without Attorney: (Name & Address)

Phone Number:
Fax Number:

E-mail:
Atty Reg. #

MAR 14 2025

ES

SHERI KING
CLERK OF COURT

Case Number: 24CV510

Div. 10

Ctrm:

Notice of Filing

Exhibits 5

Emergency motion to enforce Stay

motion to address opposing party "attempt to move forward"

Date:

3/14/25

Signature of ☒ Petitioner/Plaintiff ☐ Respondent/Defendant ☐ Other

1312 17th Street

Address

Denver Colorado 80202

City, State and Zip Code

(303) 304-2071

Telephone Number (Home)

(Work)

noted 3/15/25

Certificate of Service

A true and accurate copy of this filing was ☐ hand delivered OR ☐ placed in the United States mail, prepaid and addressed to the following on this date. 3/14/25

To: meaghan@wilegal.com

Signature

☐ Petitioner/Plaintiff ☐ Respondent/Defendant ☐ Other